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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,388

02/21/2007

Mengxiao Yuan

09548.1024USWO

9605

52835

7590

11/22/2011

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EXAMINER

EUSTAQUIO, CAL J

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

11/22/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/575,388	Applicant(s) YUAN, MENGXIAO
	Examiner CAL EUSTAQUIO	Art Unit 2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 October 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1, 3-17 and 19.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/BENJAMIN C. LEE/ Supervisory Patent Examiner, Art Unit 2612	/C. E./ Examiner, Art Unit 2612
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Continuation of 3. NOTE: Proposed amendments cancelling claim 5 to include its limitations into independent claim 1 changes the grounds of rejection by changing combination of prior art to rejections of e.g. claims 10-15, which constitute new issues.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 10/17/2011, have been fully considered but they are not persuasive.

As to claim 1, the main crux of the Applicant's argument alleges " 'Miller, col. 10, lines 62-67, col. 11, lines 1-67, and col.12, lines 1-56 recite an electronic combination lock in which at least two sets of combinations are used to enable the combination lock'. However, this discuss (sic) is completely silent as to the input of the current combination element is confirmed as required by claim 1." To clarify this issue, the Applicant has alleged, as recited on page 14 of the response, that "In claim 1, what is confirmed is that the input for each single combination element as underlined for emphasizing, rather complete combination consisting of all the combination elements." Thus, the Examiner interprets the Applicant's immediate definition of a "single combination element" to be a single numerical entry rather than a plurality of numbers. The Examiner respectfully disagrees. The claimed "single combination element" is broad to the point that this limitation can be construed to be more than just a single numerical entry. In this case, the Examiner has construed the limitation to mean a set of numbers that are grouped into an element that forms a combination. A combination is a plurality of items that form a single unit of something. Furthermore, the "combination element," even if all of the numbers of the combination required for unlocking a lock, is considered to be part of the claimed "input combination."

With respect to the Applicant's argument alleging that Miller fails to recite, as in page 14 of the response, that "claim 1 requires a device in which two types of content to be decided by the measurement and control device, i.e., deciding whether the current combination elements are confirmed to be inputted or not and deciding whether the input of all the combination elements is completed or not," the Examiner disagrees. The Examiner believes the Applicant is referring to the limitations of claim 1 which discloses "a confirmation device connected with said measurement and control device and used for producing a conformation (sic) signal for inputting the combination elements to indicate that the input of the current combination element is confirmed." For the same reasons why the "combination element" wasn't considered to be a single numerical entry, the Examiner disagrees on this point: The claimed "single combination element" is broad to the point that this limitation can be construed to be more than just a single numerical entry. Furthermore, as described in the rejection of claim 1, Miller, upon receiving the combination elements, causes the attendant lock to unlock, which meets the above claimed limitations. The claimed "display" of the combination element is also recited in the rejection of claim 1. See also FIG. 3B, element 838 regarding the display of the combination.

With regard to arguments directed to proposed amendments, they are moot since the proposed amendments will not be entered due to introduction of new issues.